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PATENT

Attorney Docket No. 5231.5-4013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): John S. Yates, Jr., et al.

Serial No.: 09/239,194

Filed: January 28, 1999

Examiner: Majid A. Barankhah

Art Unit: 2151

Title: EXECUTING PROGRAMS FOR A FIRST COMPUTER ARCHITECTURE ON A COMPUTER OF A SECOND ARCHITECTURE

I certify that this correspondence, along with any documents referred to therein, is being transmitted by facsimile to The Commissioner for Patents, Washington D.C. 20231.

*[Signature]*

COMMISSIONER FOR PATENTS  
Washington D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT OF JANUARY 14, 2003

REMARKS

Applicant responds to the Restriction Requirement of January 14, 2003 as follows. The Restriction Requirement proposes to divide the application into Group I (claims 1-78 and 82-83) and Group II (claims 79-81).

Applicant elects Group I (claims 1-78 and 82-83), with traverse.

I. Summary of the Argument

Applicant traverses on four separate bases.

First, Group II is misclassified.<sup>1</sup> A search of class 709, subclass 331 will not result in an effective or efficient search. The technique recited in claims 79-81 is unlikely to be used with the subject matter of subclass 331. Rather, the claims of Group II -- considered as a whole -- are clearly directed to subject matter properly searched in class 709, subclass 1, the same subclass as

<sup>1</sup> A search that focuses on the subclasses designated in the Office Action is unlikely to develop the most-relevant prior art. Incorrect classification directly harms the public interest by reducing the effectiveness and efficiency of examination, in addition to imposing the costs of an inefficient division of the application.

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